



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Computers, Inc.--Request for Reconsideration
File: B-236479.2
Date: September 25, 1989

DIGEST

Request for reconsideration is denied where protester does not establish any factual or legal errors in the prior decision which warrant reversal or modification.

DECISION

Computers, Inc. requests reconsideration of our decision, Computers, Inc., B-236479, Aug. 18, 1989, 89-2 CPD ¶ ___, in which we dismissed Computers' protest against the rejection of its bid as nonresponsive under invitation for bids (IFB) No. DAAA03-89-B-0031, a total small business set aside, issued by the Army for certain grenade parts.

We deny the request for reconsideration.

Computers' bid was rejected because the protester certified that not all end items which it furnished would be manufactured or produced by small business concerns, as required under the IFB. Computers protested that no small business could comply with this certification because raw materials required to make molds used in the production of the grenade parts are produced only by large business concerns. We dismissed the protest because it is clear that where, in response to an IFB issued as a total small business set aside, a bidder certifies that not all end items will be supplied or manufactured by small business concerns, the bid must be rejected as nonresponsive. Food-Tech Indus. Co., Inc., B-232791, Oct. 25, 1988, 88-2 CPD ¶ 392. We also pointed out that the question of an awardee's compliance with this certification is a matter of contract administration which is not for consideration by our Office. Id. Concerning Computers' argument that the certification also encompasses components or raw materials, we pointed out that the clause refers to end items only, and does not preclude a

046564/139614

small business from using components or raw materials furnished by a large business. See Rocco Indus., Inc., B-227636, July 24, 1987, 87-2 CPD ¶ 87.

In its request for reconsideration, Computers notes that the certification requirement has been the subject of numerous protests to our Office. Computers argues that the certification encompasses raw materials and components based on its belief that such an intention is evident from the "spirit" of the clause, regardless of the actual language used. Computers points out that the certification clause does not specifically permit the acquisition of such components from large business concerns. However, no such "permission" is necessary since the certification clearly states that it encompasses only end items.

In its reconsideration request, Computers is essentially repeating its original protest argument, that the clause should be interpreted to require bidder certification that raw materials and components, as well as end items, will not be manufactured or supplied by large business concerns. Since Computers' merely expresses its disagreement with our decision's explanation of the meaning of the certification language, but does not establish that the decision was legally or factually erroneous, Computers has not established a basis for reconsideration. See 4 C.F.R. § 21.12(a) (1989). We note that Computers has added an allegation that the solicitation should be canceled because the other bids are substantially higher than Computers' nonresponsive bid; however, this argument is premature as no award has been made by the Army.

Accordingly, the request for reconsideration is denied without holding the conference requested by Computers, since to do so would serve no useful purpose. Recon Optical, Inc.--Request for Reconsideration, B-232125.2, Feb. 24, 1989, 89-1 CPD ¶ 201.


James F. Hinchman
General Counsel